

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1526.00
COMPLAINT INVESTIGATOR: Roger Hubbard
DATE OF COMPLAINT: February 9, 2000
DATE OF REPORT: March 8, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 24, 2000

COMPLAINT ISSUES:

Whether the Lawrenceburg Community School Corporation and the Ripley-Ohio-Dearborn Special Education Cooperative violated:

- 511 IAC 7-11-2(g) with regard to the school's alleged failure to ensure that speech therapy services for the Student are provided by a licensed speech-language pathologist; and
- 511 IAC 7-12-2(f) with regard to the school's alleged failure to make available to the Student the variety of educational programs and services available to non-disabled students, specifically, denying the Student the opportunity to participate in a Spanish class.

During the course of the investigation, the following additional issues were identified:

Whether the Lawrenceburg Community School Corporation and the Ripley-Ohio-Dearborn Special Education Cooperative violated:

- 34 CFR 300.342(b)(2) with regard to the school's alleged failure to make the IEP accessible to each teacher and service provider responsible for implementing the IEP.
- 511 IAC 7-12-1(n) and (o) with regard to the school's alleged failure to provide the parent with a copy of the case conference committee (CCC) report and a completed IEP within ten instructional days of the CCC meeting.

FINDINGS OF FACT:

1. The Student is sixteen years old, in the ninth grade and is eligible for special education and related services as a student with a mild mental handicap and communication disorder.
2. The school currently employs a substitute speech therapist. The substitute speech therapist is not currently licensed as a speech therapist in Indiana. However, the pathologist has 10 years experience as a speech therapist in California and Tennessee. As of October 28, 1999, the substitute speech therapist is supervised one day per week by an Indiana licensed preschool speech therapist who is employed by the local special education cooperative.
3. A CCC meeting was held on August 25, 1999, however the school does not have in its possession a copy of the full IEP. The school only has the goals and objectives that the special education

teacher of record is implementing. The former speech therapist has the original IEP and has failed to return it to the school. The parents have not been provided with a complete copy of the Student's IEP. In light of the speech therapist's failure to return the IEP to the School, the School has attempted to reconvene the CCC. The school made contact with the parent on January 5, 7, 19, 20, 25, 26, and 27 as well as February 18, 2000 to arrange a CCC meeting. The written *Notice of Case Conference* indicates that conferences were scheduled or were attempted to be scheduled on February 8, 18, and 29, 2000. To date a CCC meeting has not reconvened, and the Student does not have a completed IEP. The IEP prior to the August 25th CCC is dated March 5, 1999.

4. As part of a transitional program/work study program, the Student assists in a daily Spanish class at the local middle school. The Student is not enrolled in a Spanish class and does not receive instruction in Spanish. Without the IEP it is impossible to determine if the Student was to be enrolled as a student in Spanish class.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the school is not utilizing a licensed speech-language pathologist to provide speech therapy. However, in the interim as identified in Complaint 1471.99 and 1477.99 the school is employing a speech-language assistant under the supervision of a licensed speech-language pathologist. Therefore, no violation of 511 IAC 7-11-2(g) is found.
2. Finding of Fact #4 indicates that the Student is currently an assistant in a middle school Spanish class. She is not enrolled as a student in Spanish class, and the absence of a complete IEP makes it impossible to determine if a violation of 511 IAC 7-12-2(f) has occurred. However, corrective action will be required to remedy this lack of information.
3. Finding of Fact #3 indicates that the School does not have a completed IEP from the most recent CCC. Without having a copy of the IEP in the Student's records, the teachers and other individuals who provide services to the Student cannot access the IEP to identify their specific responsibilities for providing services to the student. Therefore, a violation of 34 CFR 300.342(b)(2) is found.
4. Finding of Fact #3 indicates that the School failed to provide the parent with a copy of the report or the IEP from the August 25, 1999 CCC. Therefore, a violation of 511 IAC 7-12-1(n) and (o) has occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Lawrenceburg Community School Corporation and the Ripley-Ohio-Dearborn Special Education Cooperative shall:

1. Reconvene the CCC by March 24, 1999. The School shall make every effort to accommodate the parent's schedule to convene the CCC at a mutually agreed upon date and time, including allowing the parents to participate by telephone if they can not attend in person. However, if those efforts are not successful, the CCC should be convened in the parent's absence to develop an IEP. The School shall ensure that the parents are provided with a copy of the CCC Summary and the IEP within three instructional days after the CCC meeting. A copy of the CCC Summary and the IEP shall be submitted to the Division no later than March 31, 1999.